

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER R-06-007

Public Hearing to Consider the Adoption of a Proposed Regulation for Mobile Cargo
Handling Equipment at Ports and Intermodal Rail Yards

WHEREAS, on December 8, 2005, the Air Resources Board (the Board or ARB) conducted a public hearing to consider adoption of regulation to reduce emissions of diesel particulate matter (PM) and oxides of nitrogen (NOx) from mobile cargo handling equipment that operate at ports and intermodal rail yards in the State of California, as set forth in the Initial Statement of Reasons released to the public on October 21, 2005;

WHEREAS, following the public hearing on December 8, 2005, the Board adopted Resolution 05-62 in which the Board approved adoption of new section 2479 of article 3, chapter 3, division 3, title 13, California Code of Regulations (CCR), as set forth in Attachment A thereto;

WHEREAS, Resolution 05-62 directed the Executive Officer to take final action to adopt the regulation set forth in Attachment A to Resolution 05-62, with specified modifications and such other conforming modifications as may be appropriate, after making the modified regulatory language available for public comment for a period of at least 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make further modifications as may be appropriate in light of the comments received, and shall present the regulation to the Board for further consideration if she determines that this is warranted;

WHEREAS, on May 18, 2006, the modified regulatory text, reflecting the modifications approved by the Board and other changes made to best reflect the intent of the Board at the hearing, were made available for public comment for a period of 15 days, with the changes to the originally proposed text clearly indicated, in accordance with the provisions of title 1, California Code of Regulations, section 44; Attachment 1 hereto reflects the modified regulation as made available for comment; and

WHEREAS, written comments were received during the 15-day comment period and those comments have been considered by the Executive Officer.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 05-62 are incorporated by reference herein.

IT IS FURTHER ORDERED that adoption of new section 2479, title 13, CCR are adopted as set forth in Attachment 1 hereto.

Executed this _____ day of October, 2006, at Sacramento, California.

/s/

Catherine Witherspoon
Executive Officer

Attachment